

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MARY JO BENNETT,

No. 2:12-cv-02041-PK

Plaintiff,

v.

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

ORDER

Defendant.

HERNANDEZ, District Judge:

Magistrate Judge Papak issued a Findings and Recommendation (#31) on March 8, 2016, in which he recommends that this Court grant Plaintiff's unopposed Motion for Attorney's Fees. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, I am relieved of my obligation to review the record *de novo*. United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); see also United States v. Bernhardt, 840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate

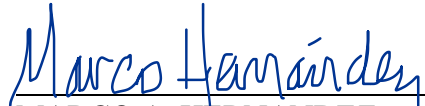
Judge's report to which objections have been made). Having reviewed the legal principles *de novo*, I find no error.

CONCLUSION

The Court ADOPTS Magistrate Judge Papak's Findings & Recommendation [31]. Accordingly, Plaintiff's motion for attorney's fees [28] is granted. Plaintiff is awarded \$16,040.50 in attorney's fees pursuant to 42 U.S.C. § 406(b). Previously, this Court awarded fees to Plaintiff pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 (EAJA). When issuing the section 406(b) check, the agency is directed to subtract the amount of the EAJA fee previously received by the attorney for the disability merits litigation and to send Plaintiff's attorney at his current address the balance of \$7,840.50, minus any user fee. Any amount withheld after all administrative and court attorney fees are paid should be released to the claimant.

IT IS SO ORDERED.

DATED this 29 day of March, 2016.


MARCO A. HERNANDEZ
United States District Judge